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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,781	02/20/2004	Richard A Pletcher	50037.192US01	6661
27488 7590 12/07/2007 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/783,781

Applicant(s)

PLETCHER ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM WOOD  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-24 are pending and have been examined.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terminology of the claim is vague and unclear. The terminology "wherein creating ... improves ... that assists" fails to specifically and distinctly claim the subject matter. It is unclear how or to what degree improvement occurs.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-24 rejected under 35 U.S.C. 102(a) as being anticipated by

**Mathur** et al. (USPN 6,671,745 B1).

Claims 1 and 6

**Mathur** discloses a method for providing a common operating system, comprising:

defining operating system components (*figure 2, element 200*);

identifying dependencies of the operating system components (*figure 2; column 2, lines 66-67; column 6, lines 35-39; column 10, lines 17-49*);

creating component groups such that the operating system components in a group share common dependencies (*column 10, lines 25-31*);

establishing dependency rules among the component groups such that each operating system component is dependent on a minimum number of other operating system components (*figure 2, note modules of element 200; column 2, lines 66-67; column 6, lines 35-39; column 10, lines 17-49*); and

enforcing the dependency rules such that the execution of an operating system component implicates the execution of a minimum number of other operating system components, wherein the common operating system provides a base operating system layer that is configured to support the operating system components (*figure 2; column 2, lines 66-67; column 6, lines 35-39; column 10, lines 17-49*).

Claim 2

**Mathur** discloses the method of Claim 1, wherein creating component groups

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reduces the dependencies among the operating system components (*column 2, lines 66-67; column 10, lines 45-49*).

Claim 3

**Mathur** discloses the method of Claim 1, wherein creating component groups improves operating system serviceability by providing a framework that assists in transforming the operating system from a monolithic system into a componentized system (*figure 2, element 200 and modules*).

Claim 4

**Mathur** discloses the method of Claim 1, wherein creating component groups further comprises providing a subset of headers such that dependencies among operating system components are reduced (*column 10, lines 17-31, module API*).

Claim 5

**Mathur** discloses the method Of Claim 1, wherein identifying dependencies further comprises determining the position of the operating system components within the operating system structure (*figure 2, element 200 and modules*).

Claim 7

**Mathur** discloses the system of Claim 6, further comprising a hardware abstraction layer that is arranged to provide an interface between the operating

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system components and hardware devices (*figure 2, element 208; and figure 2, element 206, 204*).

Claim 8

**Mathur** discloses the system of Claim 6, further comprising a kernel that is arranged to provide services to the operating system components (*figure 2, element 214*).

Claim 9

**Mathur** discloses the system of Claim 6, further comprising an operating system dynamic link library that includes functions for executing operating system applications (*figure 2, element 212; column 8, lines 47-50*).

Claim 10

**Mathur** discloses the system of Claim 6, further comprising a subsystem dynamic link library layer that is arranged to support application program interfaces such that the application program interfaces are limited to basic operating system components (*figure 2, element 226 related to element 200, note the subsystem elements; column 10, lines 17-49, component and module API*).

Claim 11

**Mathur** discloses the system of Claim 6, further comprising a networking layer that is arranged to support network communication functionality of operating system applications, and that is further arranged to test network properties of the operating system components (*figure 2, element 216*).

Claim 12

**Mathur** discloses a common operating system, comprising:

a hardware abstraction layer that is arranged to provide an interface between operating system components and hardware devices (*figure 2, element 202*);

a kernel that is dependent on the hardware abstraction layer, and that is arranged to provide services to the operating system components (*figure 2, element 214*);

an operating system dynamic link library that is dependent on the kernel, the operating system dynamic link library including a library of functions for executing operating system applications (*figure 2, element 212; column 8, lines 47-50*);

a subsystem dynamic link library layer that is dependent on the kernel, and that is arranged to support application program interfaces such that the application program interfaces are limited to basic operating system

components (*figure 2, element 226 related to element 200, note the subsystem elements; column 10, lines 17-49, component and module API*); and

a networking layer that is dependent on the kernel, and that is arranged to support network communication functionality of operating system applications (*figure 2, element 216; column 9, line 6*);

wherein the kernel, the operating system dynamic link library, the subsystem dynamic link library layer, and the networking layer are arranged to minimize the number of dependencies among the operating system components (*figure 2, note modules of element 200; column 2, lines 66-67; column 6, lines 35-39; column 10, lines 17-49*).

#### Claim 13

**Mathur** discloses the system of Claim 12, wherein the kernel comprises:

a file system that is arranged to loading of data from storage media; and device drivers for controlling the hardware devices (*column 8, lines 15-35 and column 9, line 40 to column 10, line 16*).

#### Claim 14

**Mathur** discloses the system of Claim 12, wherein the application program interfaces comprise dynamic link libraries for memory management, graphical device interface, user interface elements, communication programs, and security and encryption applications (*figure 2, element 200, note subsystems*).



Claim 15

**Mathur** discloses the system of Claim 12, wherein the networking layer comprises transmission control protocol/interact protocol (TCP/IP) stack, dynamic host configuration protocol client, automatic private internet protocol addressing, domain name system client, and network basic input/output operating system over TCP/IP (*column 9, line 10*).

Claim 16

**Mathur** discloses the system of Claim 12, wherein networking layer tests network properties of the operating system components (*column 9, line 10*).

Claim 17

**Mathur** discloses the system of Claim 12, further comprising a logon client that is arranged to provide functionality for allowing a user to logon to the common operating system (*column 6, line 66 to column 7, line 3, password*).

Claim 18

**Mathur** discloses the system of Claim 12, further comprising a local security authentication server that provides basic functionality for security applications (*column 6, line 66 to column 7, line 3, password, owner*).

Claim 19

**Mathur** discloses the system of Claim 12, further comprising a component object module that is arranged to provide a software architecture for building component-based applications (*column 6, lines 35-38; column 10, lines 17-49*).

Claim 20

**Mathur** discloses the system of Claim 12, further comprising a runtime library that comprises a library of routines that are bound to a program during execution (*figure 2, element 224*).

Claim 21

**Mathur** discloses the system of Claim 12, further comprising a service control manager module that is arranged to provide management of operating system services (*figure 2, element 220*).

Claim 22

**Mathur** discloses the system of Claim 12, further comprising a session management server that is arranged to manage multiple user sessions (*column 6, line 66 to column 7, line 3, password, owner*).

Claim 23

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**Mathur** discloses the system of Claim 12, further comprising a plug and play manager that is arranged to support plug and play installation of device drivers (column 9, line 48 to column 10, line 3).

Claim 24

**Mathur** discloses the system of Claim 12, further comprising a remote procedure call infrastructure that is arranged to allow a process to call code in a separate process (column 7, lines 18-21)


**Correspondence Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
**WILLIAM WOOD**  
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December 5, 2007